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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

**ASSOCIATION OF AMERICAN
RAILROADS and AMERICAN SHORT
LINE AND REGIONAL RAILROAD
ASSOCIATION,**

Plaintiffs,

v.

**LIANE M. RANDOLPH, in her official
capacity as Chair of the California Air
Resources Board; STEVEN S. CLIFF, in
his official capacity as Executive
Officer of the California Air Resources
Board; and ROB BONTA, in his official
capacity as Attorney General of the
State of California,**

Defendants,

and

**EAST YARD COMMUNITIES FOR
ENVIRONMENTAL JUSTICE, PEOPLE'S
COLLECTIVE FOR ENVIRONMENTAL
JUSTICE, and SIERRA CLUB,**

Case No. 2:23-cv-001154 DJC JDP

**STIPULATION AND REQUEST FOR
ABEYANCE**

Judge: Hon. Daniel J. Calabretta
Action Filed: June 16, 2023

Defendant-Intervenors.

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Defendants LIANE M. RANDOLPH, STEVEN S. CLIFF, and ROB BONTA, in their official capacities (Defendants), Plaintiffs ASSOCIATION OF AMERICAN RAILROADS and AMERICAN SHORT LINE AND REGIONAL RAILROAD ASSOCIATION (Plaintiffs), and Defendant-Intervenors EAST YARD COMMUNITIES FOR ENVIRONMENTAL JUSTICE, PEOPLE'S COLLECTIVE FOR ENVIRONMENTAL JUSTICE, and SIERRA CLUB (Intervenors) (collectively, the "Parties"), hereby submit this stipulation and request for abeyance.

RECITALS

WHEREAS, on June 16, 2023, Plaintiffs filed their complaint challenging the California Air Resources Board's (CARB) In-Use Locomotive Regulation (Regulation), California Code of Regulations, title 13, Chapter 9, Article 8, Sections 2478 through 2478.17;

WHEREAS, on November 7, 2023, CARB submitted the Regulation to the U.S. Environmental Protection Agency (EPA) seeking authorization of the Regulation pursuant to Section 209(e)(2)(A) of the Clean Air Act;

WHEREAS on September 30, 2024 (ECF 77), the Court granted summary judgment to Defendants as to Plaintiffs' challenges to the Regulation's Idling Requirements found in sections 2478.9(a), (b), (c)(1), (d), and (e) on the basis of standing, found that Plaintiffs have standing to challenge sections 2478.9(c) and (c)(2), and issued an order staying Plaintiffs' challenge to sections 2478.9(c) and (c)(2), 2478.11, and 2478.12 pending a decision from the EPA on CARB's Section 209(e)(2)(A) authorization request;

WHEREAS, on January 13, 2025, CARB withdrew its authorization request to EPA;

WHEREAS, the Parties met and conferred on several occasions to discuss how this case should proceed in light of CARB's withdrawal of its authorization request;

WHEREAS, the Parties have reached an agreement that is anticipated to resolve this litigation but will require time to execute;

1 WHEREAS the Parties have entered into a Memorandum of Understanding to hold
2 a series of working groups to discuss potential ways to reduce emissions from rail
3 activities, on a voluntary basis, in the State of California.

4 **STIPULATION AND REQUEST FOR ABEYANCE**

5 THEREFORE, IT IS HEREBY STIPULATED among the Parties, through their
6 respective counsel, as follows:

7 1. In their official capacities, Defendants Randolph and Cliff agree that CARB
8 will propose to repeal the Regulation in full with an Initial Statement of Reasons to be
9 published by May 30, 2025, a public hearing to be held by September 1, 2025, and
10 submission to California's Office of Administrative Law (OAL) for approval by January 1,
11 2026.

12 2. Plaintiffs agree that if OAL approves the repeal by May 30, 2026, Plaintiffs will
13 voluntarily dismiss their complaint against all Defendants via stipulation pursuant to
14 Federal Rule of Civil Procedure 41(a)(1)(A)(ii) within 15 days of when the rescission
15 becomes effective under state law.

16 3. In the event the case is voluntarily dismissed, the Parties agree they shall
17 each bear their own costs and attorneys' fees.

18 4. The Parties agree that if OAL has not approved the repeal by May 30, 2026,
19 the Parties will submit a joint report within 30 days advising the Court how the Parties
20 propose to proceed.

21 5. Defendants agree that, as they undertake the process for repeal, they will not
22 take any enforcement action under the Regulation against Plaintiffs or Plaintiffs'
23 members, or otherwise hold Plaintiffs or Plaintiffs' members subject to any of the
24 Regulation's provisions, from the date of this stipulation until May 30, 2026.

6. The Parties agree that this action shall be held in abeyance pending the filing of a stipulation to dismiss or a joint report, as specified above.

IT SO ORDERED.

Dated: April 17, 2025

/s/ Daniel J. Calabretta

THE HONORABLE DANIEL J. CALABRETTA
UNITED STATES DISTRICT JUDGE

Respectfully submitted,

Dated: April 16, 2025

By: /s/ Dylan K. Johnson

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